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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR 08-864 CW
	)	
12 Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER
13 vs.	)	
	)	Date: February 2, 2011
14 ERIC MORRIS,	)	Time: 9:30 a.m.
	)	Courtroom: 4
15 Defendant.	)	
_____	)	
16		

17 The above-captioned matter is set on February 2, 2011 before the Honorable Laurel  
18 Beeler for a status conference. The parties jointly request that this Court continue the matter to  
19 February 15, 2011, at 9:30 a.m. for a status conference. The parties further request that the Court  
20 exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between the  
21 date of this Order and February 15, 2011.

22 Mr. Morris is charged in a one-count indictment with a violation of 18 U.S.C. 751(a) –  
23 Escape. The status of the matter is that the government has provided the defense with some  
24 discovery, and is in the process of obtaining and providing additional discovery. Once the  
25 discovery is provided, defense counsel will need to review it and discuss it with Mr. Morris. In  
26 addition, the defense is performing investigation in order to effectively prepare this case.

1 The requested continuance will allow the government time to provide discovery, will  
 2 permit the defense time to review that discovery, and allow the defense time to perform  
 3 investigation. The failure to grant such a continuance would unreasonably deny counsel the  
 4 reasonable time necessary for effective preparation, taking into account the exercise of due  
 5 diligence.

6 The parties further stipulate and agree that the time between the date of this Order and  
 7 February 15, 2011, should be excluded in accordance with the provisions of the Speedy Trial  
 8 Act, 18 U.S.C. §§ 3161(h)(7)(A), on the basis that the ends of justice are served by taking such  
 9 action which outweigh the best interest of the public and the defendant in a speedy trial and also  
 10 under 18 U.S.C. § 3161(h)(7)(B)(iv) for effective preparation of counsel, taking into account the  
 11 exercise of due diligence.

12  
 13 DATED: January 31, 2011

\_\_\_\_\_/S/\_\_\_\_\_  
 JENNIFER GASPAR  
 Special Assistant United States Attorney

14  
 15 DATED: January 31, 2011

\_\_\_\_\_/S/\_\_\_\_\_  
 COLLEEN MARTIN  
 Assistant Federal Public Defender

## 16 17 18 **ORDER**

19 GOOD CAUSE APPEARING, and pursuant to the stipulation of the parties, IT IS  
 20 HEREBY ORDERED that the status date in this case, currently scheduled for February 2, 2011,  
 21 before Magistrate Judge Beeler is VACATED and RESET to February 15, 2011, at 9:30 a.m. for  
 22 a status conference before the duty magistrate judge.

23 IT IS FURTHER ORDERED that the time from the date of this Order and February 15,  
 24 2011, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C.  
 25 §§ 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel. The Court finds that the ends  
 26 of justice served by the granting of the continuance outweigh the best interests of the public and

1 the defendant in a speedy and public trial and the failure to grant the requested continuance  
2 would unreasonably deny counsel the reasonable time necessary for effective preparation, taking  
3 into account due diligence, given the need for the government to provide discovery and for the  
4 defense to prepare this case.

5 SO ORDERED.

6  
7 DATED: February 1, 2011



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LAUREL BEELER  
United States Magistrate Judge